

REMARKS/ARGUMENTS

Claims 1-49 were pending in this application. Within the final Office Action, claims 1, 4, 5, 17-21, 24, 27, 28, 40-44, and 48 are rejected under 35 U.S.C. § 102(e), and claims 2, 3, 6-16, 22, 23, 25, 26, 29-39, 45-47, and 49 are rejected under 35 U.S.C. § 103(a). By way of the above amendments, claims 1, 13, 24, 36, and 48 have been amended; claims 14 and 37 have been canceled; and claims 50 and 51 have been added. Accordingly, claims 1-13, 15-36, and 38-51 are pending. The Applicants respectfully request reconsideration in light of the amendments made above and the arguments made below.

Rejections under 35 U.S.C. § 102(e)

Within the final Office Action, claims 1, 4, 5, 17-21, 24, 27, 28, 40-44, and 48 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,020,086 to Juttner et al. The Applicants respectfully traverse these rejections.

Juttner is directed to “practical QoS routing, which provides a solution to the delay constrained least cost routing problem.” (Juttner, Abstract) At column 11, lines 38-52, Juttner discloses generating a modified cost function by adding weighted constraints d_i . The constraints d_i are *measured* for an *entire* path. Juttner does not disclose “modeling equations for deriving first and second metrics, wherein the first and second metrics are at least in part quality characterizations of a same plurality of one or more network applications,” as recited in claims 1 and 24 of the present invention. Juttner also does not disclose first and second metrics for individual path segments that are added to determine a third metric for an entire path, as also recited in claims 1 and 24.

Claim 1 is directed to a method for characterizing a quality of a network path, including a first segment and a second segment. The method includes modeling equations for deriving first and second metrics, wherein the first and second metrics are at least in part quality characterizations of a same plurality of one or more network applications. The first and second metrics are additive, added to generate a third metric. Claim 24 recites corresponding structure. The added limitation of modeling equations finds support throughout the Specification, such as at page 7, line 31, to page 8, line 4.

As explained above, Juttner does not disclose modeling equations, as recited in claims 1 and 24. Nor does Juttner disclose adding first and second metrics that characterize segments of a path to determine a third metric for the entire path. For at least these reasons, claims 1 and 24 are

both allowable over Juttner.

Claims 4, 5, 17-21, and 48 all depend on claim 1, and claims 27, 28, and 40-44 all depend on claim 24. Accordingly, claims 4, 5, 17-21, 27, 28, 40-44, and 48 are all allowable as depending on allowable base claims.

Rejections under 35 U.S.C. § 103(a)

Juttner and Hultgren

Within the final Office Action, claims 2, 3, 6-16, 25, 26, and 29-39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Juttner in view of U.S. Patent No. 6,134,580 to Hultgren. The Applicants respectfully traverse these rejections.

Hultgren is directed to establishing a network connection between an originating node and a destination node. Hultgren describes determining an acceptable sequence of links by sending solicitations for bids to intermediate nodes along a network path and then processing the bids. Hultgren does not disclose modeling equations, as recited in claims 1 and 24. Nor does Hultgren disclose adding first and second metrics to determine a third metric, as also recited in claims 1 and 24. As explained above, Juttner does not disclose these elements either. Accordingly, claims 1 and 24 are both allowable over Juttner, Hultgren, and their combination.

Claims 14 and 37 have been canceled, so their rejections are moot. Claims 2, 3, 6-13, 15, and 16 all depend on claim 1, and claims 25, 26, 29-36, 38, and 39 all depend on claim 24. Accordingly, claims 2, 3, 6-13, 15, 16, 25, 26, 29-36, 38, and 39 are all allowable as depending on allowable base claims.

Juttner and Saleh

Within the final Office Action, claims 22, 23, and 45-47 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Juttner in view of U.S. Patent No. 7,002,917 to Saleh. The Applicants respectfully traverse these rejections.

Saleh is directed to a method of finding a path in a network. Saleh discloses determining minimum-hop and minimum cost paths. Saleh does not disclose modeling equations, as recited in claims 1 and 24. Nor does Saleh disclose adding first and second metrics to determine a third metric, as also recited in claims 1 and 24. As explained above, Juttner does not disclose these elements either. Accordingly, claims 1 and 24 are both allowable over Juttner, Saleh, and their combination.

Claims 22 and 23 both depend on claim 1, and claims 45-47 all depend on claim 24. Accordingly, claims 22, 23, and 45-47 are all allowable as depending on allowable base claims.

Juttner and Hardy

Within the final Office Action, claim 49 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Juttner in view of U.S. Patent No. 7,085,230 to Hardy. The Applicants respectfully traverse this rejection.

Hardy is directed to determining a level of performance for a communication service. Hardy does not disclose modeling equations, as recited in claim 1. Nor does Hardy disclose adding first and second metrics to determine a third metric, as also recited in claim 1. As explained above, Juttner does not disclose these elements either. Accordingly, claim 1 is allowable over Juttner, Hardy, and their combination. Because claim 49 depends on claim 1, it is allowable as depending on an allowable base claim.

The new claims 50 and 51 are both allowable.

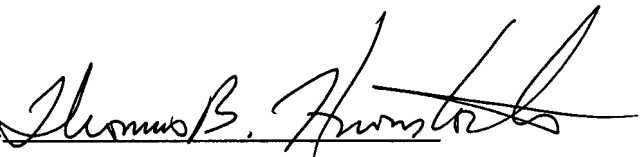
The new claims 50 and 51 both depend on claim 1 which, as explained above, is allowable. Accordingly, claims 50 and 51 are also allowable as depending on an allowable base claim. Claims 50 and 51 do not add new matter. Both claims find support in the application as filed, such as at page 7, line 32, to page 8, line 4.

CONCLUSION

For the reasons given above, the Applicants respectfully submit that claims 1-13, 15-36, and 38-51 are in condition for allowance, and allowance at an early date would be appreciated. If the Examiner has any questions or comments, the Examiner is encouraged to call the undersigned at (408) 530-9700 so that any outstanding issues can be quickly and efficiently resolved.

Respectfully submitted,
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